



17/10/07

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HIGH COURT OF CHHATTISGARH AT BILASPUR

(Division Bench)

Coram: Hon'ble Shri Jagdish Bhalla, Ag.C.J. &
Hon'ble Shri Satish K. Agnihotri, J.

Writ Petition No. 6221 of 2005

Petitioner		Gitaram and others, Bilaspur (C.G.)
	Versus	
Respondents	1.	South Eastern Central Railway represented by the General Manager, Bilaspur.
	2.	State of Chhattisgarh, represented by its Secretary, Department of Revenue, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

OFFICE REFERENCE REGISTERED AS WRIT PETITION (PIL)

Shri Ali Asgar, Advocate appears as Amicus Curiae.

Shri P. Diwakar, Senior Advocate with Shri P. R. Patankar,
Advocate appears for the Railways/respondent No. 1.

Shri A. S. Kachwaha, Govt. Advocate for the respondent
No.2/State.

ORAL ORDER

(Passed on this 9th day of October, 2007)

The following oral order of the Court is passed by
Hon'ble Shri Jagdish Bhalla, Acting C.J.

This is a public interest litigation of those who are
residing parallel to the railway lines and have no place to
stay, including leprosy patients also.

Learned counsel for the Railways informs that the
petitioners and others have encroached upon the railway-
land and without any legal right vested in them are staying
there. Though we find force in the argument, however, we
cannot record any such finding.



On the issue of leprosy patients, we called upon the State and the learned Government Advocate very fairly informs this Court that there is a centre at Raipur and the aforesaid leprosy patients would be adjusted there. Accordingly, a list be prepared after proper identification of the leprosy patients and a copy of the same be provided to the Railway Authorities, who too have been agreed to issue free railway passes to enable all such patients to go to Raipur. As suggested, let a representative of the State to go to identify the leprosy patients in the area in question on 23.10.2007 and to verify the list of leprosy patients.

This public interest litigation is pending for last two years and we are of the opinion that this Court under Article 226 of the Constitution of India cannot monitor the issue raised in it. However, since the leprosy patients have agreed to be adjusted, we are of the opinion that no further interference is warranted. Accordingly, the writ petition stands disposed of.

We appreciate the gesture of learned Amicus Curiae Shri Ali Asgar, Advocate who has given valuable time not only inside the Court but to visit the area in question and collect some data to assist this Court. Such Members of the Bar are asset to the administration of justice. Besides valuable time given by Shri Ali Asgar, we find that he spent some money as well from his own pocket to visit the site and collect the data, as referred to hereinabove. Interest of justice would suffice if we, after taking into consideration the circumstances of the case, assess the fee of learned Amicus Curiae to be Rs. 7,000/- which includes his expenses as well. We do accordingly. The State shall ensure that the payment is made within a fortnight.

Sd/-
Acting Chief Justice

Sd/-
Satish K. Agnihotri
Judge